



Signed and Filed: April 9, 2025

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Bankruptcy Case
) No. 23-30564-DM
THE ROMAN CATHOLIC ARCHBISHOP)
OF SAN FRANCISCO,) Chapter 11
)
)
Debtor.)
)
)

ORDER GRANTING MOTION TO ALLOW FILING OF LATE CLAIM

On March 3, 2025, movant Daniel Eichhorn ("Movant") filed a Motion to Enlarge The Claims Bar Date to Accept a Late Filed Proof of Claim ("Motion") (Dkt. 1036). On March 27, 2025, Debtor filed an Objection to the Motion (Dkt. 1109) and the Official Committee of Unsecured Creditors filed a Reservation of Rights (Dkt. 1110) regarding the claim but did not oppose the relief requested. For the reasons set forth below, the court will GRANT the Motion.

I. Discussion

A bankruptcy court may, on motion of a claimant filed after the applicable deadline, deem a late claim to be timely filed if the delay "was the result of excusable neglect." Fed. R. Bankr.

1 Pro. 9006(b)(1). The decision regarding whether a late claim
2 was the result of excusable neglect "is at bottom an equitable
3 one, taking account of all relevant circumstances surrounding
4 the party's omission." *Pioneer Inv. Services Co. v. Brunswick*
5 *Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993).
6 Circumstances include "the danger of prejudice to the debtor,
7 the length of the delay and its potential impact on judicial
8 proceedings, the reason for the delay, including whether it was
9 within the reasonable control of the movant, and whether the
10 movant acted in good faith." *Id.* The court may weigh each these
11 factors in its discretion.

12 Neither the Debtor nor the court question the Movant's good
13 faith. The court considers the remaining *Pioneer* factors below.

14 Here, the delay is long—over one year after the Claims Bar
15 Date passed on February 20, 2024. This length of delay in
16 seeking allowance of the late filed claim is certainly on the
17 outer bounds of acceptability without further explanation.
18 Movant explains that he only began to come to terms with the
19 abuse he had suffered in mid-2024, and did not discover that a
20 bankruptcy had been filed until late September 2024. He then
21 sought counsel, which he did not find and hire until January 29,
22 2025. Within a month of hiring counsel, the Motion was filed.
23 In his Reply (Dkt. 1125), Movant blames his lack of knowledge of
24 the bankruptcy on the Debtor for not directly contacting him and
25 all other alumni of Catholic schools who attended at the time
26 Father Pritchard, a known and prolific perpetrator of abuse,
27 also worked at those schools. This blame is unfounded. The
28 court's Bar Date Order (Dkt. 337) authorized Debtor to contact

1 all known potential Survivor Claimants—those who had filed
2 lawsuits against the Debtor prior to the bankruptcy filing. The
3 Bar Date Order also authorized and directed Debtor to “request
4 that each Parish and school within the geographic limits of the
5 Archdiocese provide access to its contact lists, and as
6 permitted [Debtor] shall mail a copy of the Publication
7 Notice . . . to each household and address on such contact
8 list.” (Bar Date Order at Para. 13). The Bar Date Order
9 further directed the Debtor to publish the Claims Bar Date to
10 all unknown Survivor Claimants via the Debtor’s website, along
11 with requests for publication on two well-known websites
12 dedicated to support of survivors of clergy abuse. The Bar Date
13 Order further directed Debtor to publish the Claims Bar Date in
14 two national, and seventeen regional newspapers. The Debtor was
15 also directed to publish the Claims Bar Date in parish bulletins
16 and across the Debtor’s social media.

17 Despite this comprehensive noticing campaign, the court
18 accepts, in this instance, that Movant is truthful in that he
19 had no knowledge of Debtor’s bankruptcy until late September
20 2024, after which he moved as quickly as was feasible to retain
21 counsel and file a proof of claim, meaning such delay was
22 reasonable.

23 The prejudice to the Debtor and the impact on judicial
24 proceedings is minimal. The Debtor is currently mediating a
25 global resolution to all claims and has not yet proposed a plan.
26 Debtor itself has also stated its view that the mediation
27 process is in its “early stages” (Dkt. 1083 at Page 8), meaning
28 one more proof of claim (that may yet be disallowed for reasons

1 other than timeliness) will not jeopardize the settlement
2 process.

3 **II. Conclusion**

4 For the reasons stated above, the court hereby GRANTS the
5 Motion and drops it from the April 10, 2025 calendar. Movant
6 shall file, if he has not already, his Proof of Claim and
7 Confidential Survivor Supplement with the claims and noticing
8 agent for the Debtor, Omni Agent Solutions, Inc., pursuant to
9 the instructions on those aforementioned documents.

10 The court FURTHER ORDERS that:

11 1) Nothing herein shall be construed to impair or
12 diminish in any way the rights of any party, including the
13 Debtor, to object to the claim of Movant on any grounds except
14 for the timeliness of the filing of Movant's claim, pursuant to
15 Federal Rule of Bankruptcy Procedure 3007 or any other
16 applicable law, or any procedure approved by the Bankruptcy
17 Court with respect to the same. All parties' rights and
18 defenses with respect to any objection to Movant's claim are
19 expressly reserved, including without limitation any time-bar or
20 statute of limitations defenses (other than timeliness of the
21 filing of Movant's claim).

22 2) Nothing herein shall be construed to impair or
23 diminish in any way the rights of any party, including the
24 Debtor, to object to other claims not filed prior to the
25 February 20, 2024, Bar Date, for which a corresponding motion to
26 allow late-filed claim(s) is pending or has not yet been filed,
27 on any grounds. All parties' rights and defenses with respect
28 to other claims not timely filed by the February 20, 2024, Bar

1 Date are expressly reserved, including without limitation any
2 time-bar or statute of limitations defenses (including the
3 timeliness of the filing of the *other* claims).

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5 **END OF ORDER**
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COURT SERVICE LIST

ECF Recipients